REMARKS

The present Amendment is in response to the Examiner's Office Action mailed January 11, 2007. Claims 1, 23, and 28 are amended. Claims 1-39 are pending.

Reconsideration of the application is respectfully requested in view of the following remarks. For the Examiner's convenience and reference, Applicants remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicants note that the claim amendments and remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such claim amendments and remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicants, of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Claim Rejections

A. Rejection Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-5, 8-10, 12, 13, 23-26, and 28-30 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,385,669 to Creedon et al. ("*Creedon*"). Applicants respectfully traverse the rejection.

Applicants respectfully note that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP* § 2131.

In setting forth the rejection of claim 1, the Examiner asserted that "Creedon discloses a . . . method comprising the following: an act of determining that an operation is to be performed on a slave component of the one or more slave components; an act of monitoring the data wire of the two-wire interface upon determining that the operation is to be performed on the slave component; an act of detecting at least the predetermined number of consecutive bits of the same binary polarity have occurred on the data wire during the act of monitoring the data wire (Column 4, Lines 62-67); and an act of asserting a frame of a two-wire interface on the data wire in response to the act of detecting that the predetermined number of consecutive bits of the same polarity have occurred on the data wire (Figure 4)." *See* Office Action, p. 2. The Examiner made similar assertions with respect to independent claims 23 and 28, which differ in scope but recite language similar to that of claim 1. *See* Office Action, pp. 3 and 4. The Examiner did not establish, however, how the cited passage and figure of *Creedon* correspond or pertain to the specific claim limitations.

For example, figure 4 of *Creedon* depicts a standard management data input/output (MDIO) frame format and the cited passage describes using an MDIO frame preamble consisting of thirty-two consecutive logic 1 bits for device synchronization. However, it is unclear how any of these features correspond to the claimed acts of "determining that an operation is to be performed...," "monitoring ...upon determining that the operation is to be performed...," "detecting at least a predetermined number of consecutive bits ... during the act of monitoring...," or "asserting a frame...in response to the act of detecting." Thus, the Examiner appears to have left Applicants to guess at which particular portion(s) of the column 4 passage and figure 4 are believed by the Examiner to correspond with the various acts recited in the rejected claims. This much Applicants respectfully decline to do, inasmuch as it is the burden of the Examiner in the first instance to demonstrate anticipation of the claims.

Moreover, with respect to the foregoing, Applicants note that in rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." *37 CFR 1.104. Emphasis added.* Moreover, "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." *MPEP § 706.*

In view of the foregoing, Applicants respectfully submits that the Examiner has failed to establish that *Creedon* anticipates claim 1, claim 23, or claim 28, at least because the Examiner has not established that each and every element as set forth in the claims is found in *Creedon*, and because the Examiner has not

established that the identical invention is shown in *Creedon* in as complete detail as is contained in the claims. Applicants thus respectfully submit that the rejection of claims 1, 23, and 28, and corresponding dependent claims 2-5, 8-10, 12, 13, 24-26, 29, and 30, should be withdrawn.

B. Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 6, 7, 11, 14-22, and 31-39 under 35 U.S.C. § 103 as being unpatentable over *Creedon* in view of what is purportedly "well known in the art."

Applicants respectfully submit that insofar as the rejection of claims 6, 7, 11, 14-22, and 31-39 relies on the unsupported assertions regarding the disclosure of *Creedon* advanced by the Examiner in connection with the rejection of claims 1, 23, and 28, such rejection lacks an adequate foundation, for at least the reasons outlined at section II.A above, and should accordingly be withdrawn.

In addition, the Examiner relied on personal knowledge through official notice as a basis for the rejection of each of claims 6, 7, 11, 14-22, and 31-39. For instance, in connection with claims 6 and 27, the Examiner alleged that "pull-down resistors are well known," but the Examiner has not identified any references or other materials as being obvious to combine with the purported teachings of *Creedon*. In view of the foregoing, and pursuant to 37 C.F.R. 1.104(d)(2), Applicant hereby respectfully requests an Examiner affidavit that: (i) specifically identifies any and all reference(s), other than those that have been specifically cited by the Examiner, upon which the obviousness rejection of claims 6, 7, 11, 14-22, and 31-39 is based; and (ii) provides complete details concerning the reasoning and analysis of the Examiner concerning those references as those references are purported to apply to the rejection of claims 6, 7, 11, 14-22, and 31-39.

CONCLUSION

In view of the discussion and amendments submitted herein, Applicant respectfully submits that each of the pending claims 1-39 are now in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 11th day of May, 2007.

Respectfully submitted,

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